



# Town of Groton, Connecticut

## Meeting Minutes

### Town Council

45 Fort Hill Road  
Groton, CT 06340-4394  
Town Clerk (860)441-6640  
Town Manager  
(860)441-6630

**Mayor Harry A. Watson, Councilors Dean Antipas, Kathryn M. Brown-Tracy, Bruce S. Flax, Catherine Kolnaski, Deborah B. Monteiro, Frank O'Beirne, Jr., Rita M. Schmidt, and Paulann H. Sheets**

**Tuesday, October 20, 2009**

**7:30 PM**

**Town Hall Annex - Community Room 1**

#### **REGULAR MEETING**

#### **I. ROLL CALL**

*The meeting was called to order at 7:30 p.m. by Mayor Watson.*

Members Present: Mayor Watson, Councilor Antipas, Councilor Brown-Tracy, Councilor Flax, Councilor Kolnaski, Councilor Monteiro, Councilor O'Beirne, Jr., Councilor Schmidt and Councilor Sheets

*Also present were Town Manager Mark Oefinger, Assistant to the Town Manager Lee Vincent, Town Clerk Barbara Tarbox, and Office Assistant Lori Watrous.*

#### **II. SALUTE TO THE FLAG**

*The Salute to the Flag was lead by Town Clerk Barbara Tarbox.*

#### **III. RECOGNITION, AWARDS & MEMORIALS**

##### **2009-0239 Proclamation Honoring Gladys Barber Whitehead**

**Read**

*The proclamation was read by Mayor Watson.*

#### **PUBLIC HEARING:**

##### **2009-0258 Public Hearing on Property Maintenance Code Ordinance Amendment**

PUBLIC HEARING ON AN ORDINANCE AMENDING ORDINANCE NO. 243 ADOPTING THE INTERNATIONAL PROPERTY MAINTENANCE CODE 2000 FOR THE FORT HILL HOMES NEIGHBORHOOD REVITALIZATION ZONE

An Ordinance Amending Town Ordinance No. 243 Adopting the International Property Maintenance Code 2000 for the Fort Hill Homes Neighborhood Revitalization Zone.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF GROTON: Section 9-254 shall be amended as follows:

- Section 111.2. Delete existing and change to:

111.2 Membership of Board The members of the Building Code Board of Appeals shall serve as the Board of Appeals for the purpose of this ordinance.

- Section 111.2.1, 111.2.2, 111.2.4 and 111.2.5 Delete.

- Section 111.6. Delete existing and change to:

111.6 Board Decision The board shall modify or reverse the decision of the code official only by a concurring vote of a majority of the total number of members present and voting.

- Section 111.6.1. Delete the existing and change to:

111.6.1 Records and Copies The decision of the board shall be written or stated in the minutes of the board. Written notice of the decision shall be furnished to the appellant and the code official.

- Section 111.7. Delete

**Heard at Public Hearing**

*Mayor Watson called a recess for the Public Hearing at 7:34 p.m.*

*The Notice of Public Hearing pursuant to a resolution passed by the Town Council was read by Town Clerk Barbara Tarbox.*

*Lisa Gernhard, 75 Midway Oval, stated that it is important to add these changes so that the property maintenance code can be enforced as needed.*

*Scott Meyer, 75 Midway Oval, registered his support of the Ordinance.*

*Joseph Baril, 26 St. Joseph Court, former Chairman of the Neighborhood Revitalization Zone (NRZ), stated that he is in support of these changes as they will enable enforcement of the property maintenance code for the Fort Hill Homes neighborhood.*

*There being no further comments, Mayor Watson closed the Public Hearing at 7:37 p.m.*

**IV. RECEIPT OF CITIZENS' PETITIONS, COMMENTS AND CONCERNS**

*None.*

**V. RESPONSES TO CITIZENS' PETITIONS, COMMENTS AND CONCERNS**

*None.*

**VI. CONSENT CALENDAR**

**a. Approval of Minutes**

**2009-0261 Approval of Minutes (Town Council)**

**RESOLUTION ACCEPTING TOWN COUNCIL MINUTES**

RESOLVED, that the minutes of the Town Council meeting of October 6, 2009 are hereby accepted and approved.

**This Matter was Adopted on the Consent Calendar.**

**b. Administrative Items**

**2009-0257 Special Trust Fund Contributions**

**RESOLUTION ACCEPTING CONTRIBUTIONS TO SPECIAL TRUST FUNDS**

RESOLVED, that the Town Council hereby accepts contributions to the Town as follows:

Zoe V. Lappin - \$20.00 - Library Miscellaneous

Danielle Coates - \$200.00 - Social Services Discretionary

Fitch Middle School Staff in Memory of Michael Paterno - \$30.00 - Social Services Discretionary

Various Donations - \$389.05 - Groton Utilities Energy Assistance Program

Southeastern Connecticut Womens Network - \$270.94 - Library Miscellaneous

**This Matter was Adopted on the Consent Calendar.**

**c. Deletions from the Town Council Referral List**

**2009-0232 Connecticut Department of Public Utility Control (DPUC) Grant**

**This Matter was Deleted from Referral List - Action to be taken on the Consent Calendar.**

**2009-0244 Renaming of Groton-New London Airport**

**This Matter was Deleted from Referral List - Action to be taken on the Consent Calendar.**

**2009-0255 Bodenwein Public Benevolent Foundation Grant - Arts Cafe Mystic**

**This Matter was Deleted from Referral List - Action to be taken on the Consent Calendar.**

**2009-0259 Referral of SEA--CMEEC Electric Generating Facilities to Planning Commission Under CGS 8-24**

**This Matter was Deleted from Referral List - Action to be taken on the Consent Calendar.**

**2009-0260 Pending Litigation Settlement**

**This Matter was Deleted from Referral List - Action to be taken on the Consent Calendar.**

**Passed The Consent Calendar**

**A motion was made by Councilor Monteiro, seconded by Councilor Antipas, to adopt the Consent Calendar, including all the preceding items marked as having been adopted on the Consent Calendar.**

**The motion carried by the following vote:**

**Votes:** In Favor: 8 - Mayor Watson, Councilor Antipas, Councilor Brown-Tracy, Councilor Flax, Councilor Kolnaski, Councilor Monteiro, Councilor O'Beirne, Jr. and Councilor Sheets  
Abstain: 1 - Councilor Schmidt

**VII. COMMUNICATION REPORTS (Other than Committee Reports)**

**a. Town Councilors**

*Councilor O'Beirne remarked that when the siren from Dominion Nuclear Connecticut Inc. sounded he turned on Channel 3 and there wasn't anything referencing what was going on. He believes that even if it is a false alarm, information should be relayed. Councilor O'Beirne reminded the public that Ledge Light Health District will be having a public hearing in Waterford on October 22, 2009 regarding the implementation of a "permit to discharge" regulation. This hearing concerns citizens that have septic systems, as there will be time limits and fees involved.*

*Councilor Monteiro, Councilor Kolnaski, Councilor Sheets, Councilor Brown-Tracy, and Mayor Watson attended a dinner to benefit the Martin Luther King, Jr. Scholarship Trust Fund.*

*Councilor Kolnaski attended a Ledge Light Health District Finance Committee meeting and a Ledge Light Health District Board of Directors meeting. She noted that the Town Council/Board of Education/RTM Liaison Committee meeting scheduled for October 21, 2009, has been cancelled. Councilor Kolnaski stated that residents feel that an Ordinance similar to the Property Maintenance Code Ordinance currently in place for the Fort Hill neighborhood should be adopted for the whole Town.*

*Mayor Watson remarked that this is an election year and he received a letter encouraging voters to pass the referendum to make Thames Street safe. He attended the International Walk to School Day at Charles Barnum School, a CCM convention, and the Fall Festival. The Mayor also read a proclamation honoring Gladys Barber Whitehead as she recently turned 100 years old.*

*Councilor Schmidt was approached regarding whether there is a property maintenance code for Groton. The Town Manager stated that the Town does not currently have one, and Mayor Watson noted that there is a referral on this issue.*

*Councilor Antipas has spoken with a number of people who wonder whether there is further recourse through the Town after having contacted City agencies about land use. The Town Manager stated that he would like to see examples, but added that the Town does not have jurisdiction over the City.*

*Councilor Brown-Tracy received a letter in support of passing the Thames Street referendum question on the ballot this year.*

**b. Clerk of the Representative Town Meeting**

*The regularly scheduled meeting for the RTM on October 21, 2009, has been cancelled.*

**c. Clerk of the Council**

*The Town Clerk stated that there are only two weeks left until the election. Absentee ballots have been going out slowly, and explanatory text will be sent out this week to every household in Groton. She noted that all candidates have complied with campaign finance laws. Due to the election, the next Town Council meeting is scheduled for November 4, 2009, and will be attended by the current Councilors. Newly elected Councilors will not take office until December 1, 2009.*

**d. Town Manager**

*The Town Manager stated that favorable bond ratings were received as follows: Standard & Poors AA with a stable outlook, Fitch AA-, and Moodys Aa3. He noted that there will be no Group I or II next week, and the Committee of the Whole will be at its regular time. A free calendar can be obtained from the Social Services Department, with each additional one costing \$3.00. The pictures on the calendar have also been made into note cards, and they are available for \$5.00 per package. Mr. Oefinger noted that the Ledge Light Health District Public Hearing on the Implementation of a Permit to Discharge Regulation will be on October 22, 2009. He stated that a CCM training session titled "Ethics, Accountability and Conflicts of Interest" will be November 5, 2009 and the Groton Holiday Lights Parade will be December 5, 2009. He also noted that he plans to visit the Sandy Hollow Road area with the forester to discuss finishing the wall on that scenic road.*

**e. Town Attorney**

*No report.*

**VIII. COMMITTEE REPORTS**

**a. Community & Cultural Development - Chairman Brown-Tracy**

*No meeting, no report.*

**b. Economic Development - Chairman Flax**

*No meeting, no report.*

**c. Education/Health & Social Services - Chairman Kolnaski**

*No meeting, no report.*

**d. Environment/Energy - Chairman Sheets**

*No meeting, no report.*

**e. Finance - Chairman Schmidt**

*No meeting, no report.*

**f. Personnel/Appointments/Rules - Chairman O'Beirne**

*No meeting, no report.*

**g. Public Safety - Chairman Monteiro**

*No meeting, no report.*

**h. Public Works/Recreation - Chairman Antipas**

*No meeting, no report.*

**i. Committee of the Whole - Mayor Watson**

*The Mayor stated that the resolutions on tonight's agenda are a result of the last Committee of the Whole meeting.*

**j. Ethics Committee - Chairman Antipas**

*The Ethics Subcommittee met on October 20, 2009, and discussed a draft Ethics Ordinance.*

**IX. UNFINISHED BUSINESS**

*None.*

**X. NEW BUSINESS**

**2009-0232 Connecticut Department of Public Utility Control (DPUC) Grant****RESOLUTION AUTHORIZING APPLICATION FOR A DPUC GRANT FOR GROTON PUBLIC LIBRARY**

WHEREAS, the Connecticut Department of Public Utility Control (DPUC) provides non-matching grants under their program for public education and governmental programming and education technology investment, authorized by Public Act 07-253, and

WHEREAS, televised meetings of the Town Council, Committee of the Whole meetings, and other events from Community Room 1 are very important to the citizenry, and

WHEREAS, the grant sought by the Groton Public Library for Groton Municipal Television would allow the installation of multiple remotely controlled cameras to give better visual coverage of officials and public speakers at meetings, now therefore be it

RESOLVED, that Town Manager Mark R. Oefinger may apply for a DPUC grant of \$41,280, under the program codified at Section 16-331cc of the Connecticut General Statutes.

**A motion was made by Councilor O'Beirne, Jr., seconded by Councilor Schmidt, that this matter be Adopted.**

**The motion carried unanimously**

**2009-0244 Renaming of Groton-New London Airport****RESOLUTION TO RETAIN THE NAME OF GROTON - NEW LONDON AIRPORT**

WHEREAS, some local businesses have proposed to the State of Connecticut that the Groton - New London Airport be renamed, and

WHEREAS, this important and well-known airport is located entirely within the Town of Groton, where it accommodates a substantial variety of businesses and travelers, and

WHEREAS, no substitute name has been proposed which could justify removing the existing, fully descriptive name of the Groton - New London Airport, and

WHEREAS, the City of Groton and the City of New London councils have voted unanimously to oppose any name change, now therefore be it

RESOLVED, that the Town Council of the Town of Groton opposes changing the name of the Groton - New London Airport and directs that a letter be sent to the Connecticut Department of Transportation conveying this resolution.

**A motion was made by Councilor Flax, seconded by Councilor Monteiro, that this matter be Adopted.**

**The motion carried unanimously**

**2009-0255 Bodenwein Public Benevolent Foundation Grant - Arts Cafe Mystic****RESOLUTION AUTHORIZING APPLICATION FOR A BODENWEIN GRANT FOR THE ARTS CAFÉ-MYSTIC**

WHEREAS, for fifteen years the Arts Café-Mystic has been a popular program that provides live performances by writers and musicians, supports the local writing community, and gives scholarships to student writers at local high schools, and

WHEREAS, the Arts Café-Mystic has received grants from the Bodenwein public Benevolent Foundation for many years, allowing the Town of Groton's Department of Parks and Recreation to administer the Arts Café performances, now therefore be it

RESOLVED, that the Town Manager may apply for and accept a Bodenwein Foundation grant of \$5,000 for the grant period covering Fall, 2010, and Spring, 2011.

**A motion was made by Councilor Monteiro, seconded by Councilor Flax, that this matter be Adopted.**

**The motion carried unanimously**

**2009-0259**

**Referral of SEA--CMEEC Electric Generating Facilities to Planning Commission Under CGS 8-24**

**RESOLUTION REFERRING THE SITING OF ELECTRIC GENERATING FACILITIES TO THE PLANNING COMMISSION**

WHEREAS, Sustainable Energy Analytics (SEA) and the Connecticut Municipal Electric Energy Cooperative (CMEEC) have proposed to place diesel powered electric generators in Groton to provide extra power for peak needs, and

WHEREAS, SEA-CMEEC has stated that harmful emissions from the diesel engines, such as sulfur and particulates will be at the lowest levels available with current technology, and

WHEREAS, SEA-CMEEC wishes to place generators on a Town-owned site adjacent to Gary Court where there is an existing easement from the Town of Groton to the City of Groton, operating as Groton Utilities, that does not specifically permit electric generating facilities, and

WHEREAS, the Town Council now wishes to enter into a lease with CMEEC to allow the construction, operation and maintenance of two diesel generators, and

WHEREAS, it is proposed that the Town of Groton, the City of Groton, and the Connecticut Municipal Electric Energy Cooperative enter into an Easement Use Consent Agreement, now therefore be it

RESOLVED, that the Town Council refers the SEA-CMEEC proposal to the Groton Planning Commission for review under CGS. Section 8-24.

**A motion was made by Councilor Kolnaski, seconded by Councilor Monteiro, that this matter be Adopted and Referred to the Planning Commission.**

*The Town Manager was asked whether there would be a separate connection on the diesel generator to the sewage treatment plant. He stated that there is currently a generator and discussions have occurred with SEA-CMEEC so that there will likely be a double or triple redundancy in case of storm outages.*

**The motion carried unanimously**

**2009-0260**

**Pending Litigation Settlement**

**RESOLUTION TO SETTLE PENDING LITIGATION**

WHEREAS, the Town Council has received from the Town Attorney a report on negotiations concerning pending litigation, now therefore be it

RESOLVED, that the Town Council consents to resolve pending litigation titled Levern Green et. al. v. Town of Groton, and authorizes the Town Manager and/or the Town's insurer to cause to be prepared, and to execute, the requisite legal documents to effectuate the settlement, subject to final approval of the Town Attorney as to form and legal sufficiency.

**A motion was made by Councilor Sheets, seconded by Councilor Schmidt, that this matter be Adopted.**

**The motion carried unanimously**

**XI. OTHER BUSINESS**

*In response to a question regarding the form of the budget document, the Town Manager stated that the current budget document is more like an accounting document. It is highly helpful to*

*staff, but he will consider preparing a less complicated budget document.*

**2009-0271**

**Budget Guidelines for FYE 2011**

BUDGET GUIDELINES FOR FYE 2011

*Councilor O'Beirne requested a referral to discuss whether or not the Town Council wants to provide budget guidance to the Town Manager and the Board of Education for FYE 2011.*

**XII. ADJOURNMENT**

*A motion to adjourn at 8:13 p.m. was made by Councilor Kolnaski, seconded by Councilor Monteiro and so voted unanimously.*

*Attest:*

*Barbara Tarbox, Town Clerk  
Clerk of the Council*

*Lori Watrous, Office Assistant*